

REMARKS

Claims 1 to 7, 10 to 18, 21 to 29, 31, 32, 34, 40, 41, 43, 44 and 46 are pending herein.

Applicants' attorney would like to thank Examiner Kasenge for the courtesy of the telephone conference held on or about October 15, 2008 in which the claims and the final rejection were briefly discussed and in particular the claim language concerning the "continuous loop fluid circuit". In that conference, it was noted by Examiner Kasenge that the words "continuous loop" do not appear in the specification although that feature is clearly shown in the drawings. By the subject Amendment, Applicants have amended the specification to mimic the language of the independent claims, namely "said flow control device is part of a continuous loop fluid circuit and is adjustable to control the release of pressurized fluid from the continuous loop fluid circuit". Support for this language is clearly shown in Figures 1-3 and in the specification on page 8 at lines 9 through 12 which states:

"Referring to Figure 1, there is shown in schematic form a fluid flow circuit that incorporates a preferred embodiment of the present invention. In Figure 1 a pump 1 draws fluid from a tank or reservoir 2 through a suction line 3 and delivers a stream of pressurized fluid through a pump discharge pipe 4."

Thus all of the components of the continuous loop, namely items 1, 2, 3 and 4 are described in the specification as well as shown and identified in the drawings.

Applicant notes that the patent of Westerman is uniquely concerned with an automated

control system for the injection of fluid into a subterranean formation. Westerman is in no way concerned with an apparatus to control the rate of flow of pressurized fluid through a conduit that includes a flow control device as part of a continuous loop fluid circuit where the control device is adjustable to control the release of pressurized fluid from the continuous loop fluid circuit. No fluid loop circuit is disclosed or contemplated by Westerman. Westerman does not describe a continuous loop fluid circuit, but merely the pumping of fluid from a source into an underground formation.

Thus the claims as currently amended are clearly distinguished from the teachings of Westerman. Furthermore, Harpster does not supply the shortcomings of Westerman noted above and therefore the claims are not obvious in view of the combination of Westerman and Harpster.

Applicants respectfully submit that the subject patent application is in condition for allowance. Accordingly, it is respectfully requested that the subject patent application be passed to issuance without delay.

This response is being filed with a petition for a one month extension of time and the required fee. It is believed that no additional fees are due. However, should that determination be incorrect, the Commissioner is hereby authorized to charge any deficiencies to Deposit Account No. 50-0562 and notify the undersigned in due course.

Date: 10/17/2008

Respectfully submitted,


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